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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,241	01/16/2004	Kristy L. Birt	END920030052US1(1397-9U)	7209

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EXAMINER	
ALMEIDA, DEVIN E	

ART UNIT	PAPER NUMBER
2132	

MAIL DATE	DELIVERY MODE
04/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/759,241	BIRT ET AL.	
	Examiner	Art Unit	
	DEVIN ALMEIDA	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 January 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to the papers filed 1/03/2008. Claims 1-26 were received for consideration.

Response to arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4-9, 12, 15-20 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kair (US 7,243,148) in view of Bellemore (5,944,825).

With respect to claim 1, 12, 23 and 25, Kair teaches the method for providing automated tracking of security vulnerabilities, comprising: using a computer device to perform a security vulnerability assessment on a system (see abstract); detecting the presence of a security vulnerability in the system; and responsive to detecting the presence of the security vulnerability (see column 13 lines 4-20);storing data obtained

from the security vulnerability assessment in a security vulnerabilities database (see column 13 lines 4-20 and column 17 lines 27-38); determining using a computer, a security vulnerability score based on a plurality of vulnerability factors identified by the vulnerability assessment (see figure 9-11, 14 and column 62 line 3 – column 66 line 19).

Kair fails to explicitly disclose determining a time to fix a security vulnerability identified by the security vulnerability assessment of the system based on the determined security vulnerability score.

Bellemore discloses a method of assessing a particular host for security vulnerabilities in which he teaches determining a time to fix a security vulnerability identified by the security vulnerability assessment of the system based on the determined security vulnerability score (see Bellemore column 5, lines 16-34). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have given an allotted time for fixing the vulnerability before disabling will occur to protect the system (i.e. password disabling)(see Bellemore column 5, lines 16-34). Therefore one would have been motivated to have set a time limit for security vulnerability to be fixed to increase the security of the system

With respect to claim 4 and 15, Todd discloses the method of claim 1 further comprising determining an IP address associated with the security vulnerability (See Kair figure 10 and column 70 lines 28-43)

With respect to claim 5 and 16, Todd discloses the method of claim 4 further comprising entering the IP address and a description of the detected security vulnerability in a tracking database. (See Kair column 70 lines 28-60)

With respect to claim 6 and 17, determining delinquent security vulnerabilities based upon the determined time to fix the vulnerability detected by the security vulnerability assessment (see Bellemore column 5, lines 16-34).

With respect to claim 7 and 18, Soles et al. discloses the method of claim 6 further comprising providing notification of determined delinquencies (see Kair column 69 line 35 – column 72 line 56).

With respect to claim 8 and 19, re-running a scan profile when notification is received that the security vulnerability has been fixed (See Keir column 13 lines 4-35 and column 69 lines 44-56).

With respect to claim 9 and 20, determining whether the security vulnerability still exists and archiving records associated with the security vulnerability when the security vulnerability does not exist (see Kair column 69 line 35 – column 72 line 56).

Claims 2, 3, 10, 11, 13, 14, 21, 22, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kair (US 7,243,148) in view of Bellemore (5,944,825) in further view of Dahlstrom et al (2004/0006704). Kair and Ballemore do not teach with respect to claim 2 and 13 determining the security vulnerability factor further comprises measuring the frequency the identified security vulnerability occurs in the system

Dahlstrom teaches determining the security vulnerability factor further comprises measuring the frequency the identified security vulnerability occurs in the system (see Dahlstrom paragraph 0042 and 0067). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have kept track of the frequency a security vulnerability occurs to provide an overall summaries of vulnerability tracking within the organization or with respect to a particular product. The tracking information may also include statistical information such as means, medians, ranges, and deviations derived by tracking system (see paragraph 0042). Therefore one would have been motivated to have tracked the security vulnerability.

With respect to claim 3 and 14, wherein determining the security vulnerability factor further comprises the criticality of an element in the system presenting the security vulnerability and a rating of the severity of the security vulnerability (See Kair column 62 lines 51-67)

With respect to claim 10, 21, 24 and 26, Soles et al. discloses a method for determining a criticality factor for a security vulnerability in a computer system, comprising: Entering in a database security vulnerabilities detected in the computer system during a security vulnerability assessment (see Kair column 13 lines 4-20 and column 17 lines 27-38). Measuring a frequency of occurrence for the detected security vulnerabilities. (see Dahlstrom paragraph 0042 and 0067). Assigning a security vulnerability factor to a detected security vulnerability based upon the frequency of

occurrence of the security vulnerability in the system (see Kair column 62 line 3 – column 66 line 19)

With respect to claim 11 and 22, Soles et al. discloses the method of claim 10, wherein the assigning a vulnerability factor further comprises considering a criticality of an element in the system presenting the vulnerability and a rating of the severity of the vulnerability within the system (See Kair column 62 lines 51-67).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devin Almeida whose telephone number is 571-270-1018. The examiner can normally be reached on Monday-Thursday from 7:30 A.M. to 5:00 P.M. The examiner can also be reached on alternate Fridays from 7:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Devin Almeida
Patent Examiner
4/08/08

/Benjamin E Lanier/
Primary Examiner, Art Unit 2132